



Federal Aviation Administration

Noise Exposure Map Notice: Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Duluth Airport Authority (DAA) for Duluth International Airport (DLH) under the provisions of the Aviation Safety and Noise Abatement Act and FAA regulations are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for DLH in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before October 8, 2022.

DATES: The FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is effective April 11, 2022. The public comment period ends June 10, 2022.

FOR FURTHER INFORMATION CONTACT: Josh Fitzpatrick, 6020 South 28<sup>th</sup> Avenue, Suite 102, Minneapolis, MN 55450, [joshua.fitzpatrick@faa.gov](mailto:joshua.fitzpatrick@faa.gov), (612) 253-4639. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for DLH are in compliance with applicable requirements of 14 CFR part 150, effective April 11, 2022. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before October 8, 2022. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The DAA submitted to the FAA on December 13, 2021, noise exposure maps, descriptions and other documentation that were produced during the 2020-2021 DLH part 150 Noise Compatibility Program Update. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented

jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the DAA. The specific documentation determined to constitute the noise exposure maps includes: Exhibit 3-1 (Existing (2020) Baseline Noise Exposure Contour) and Exhibit 4-1 (Future (2026) Noise Compatibility Program-Noise Exposure Map). Chapters 3 and 4 of the DLH part 150 update describe the baseline noise exposure maps and noise compatibility program in greater detail. The FAA has determined that these maps for DLH are in compliance with applicable requirements. This determination is effective on April 11, 2022. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government.

These local responsibilities are not changed in any way under part 150 or

through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for DLH, also effective on April 11, 2022. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 8, 2022.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program can be viewed online at the DLH website at <https://duluthairport.com/noise-study/#documents>. To review the documents in

person, please contact the Airport by phone at (218) 727-2968 to set up a visit in their office at: Duluth Airport Authority, Attn: Tom Werner 4701 Grinden Drive, Duluth, MN 55811.

Questions may be directed to the individual named above under the heading,

**FOR FURTHER INFORMATION CONTACT.**

Issued in Minneapolis, Minnesota, April 11, 2022.

**E. Lindsay Butler,**

*Manager, Dakota-Minnesota Airports District Office.*

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